

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRYAN D. CHRISTIAN,

Plaintiff,

v.

No.9:03-CV-901  
(S.J. Scullin)

GLENN GOORD, et al.,

Defendants,

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APPEARANCES:

OF COUNSEL:

BRYAN D. CHRISTIAN  
Plaintiff, Pro Se

ELIOT SPITZER  
New York State Attorney General  
Attorney for Defendants

MICHAEL G. McCARTIN  
Asst. Attorney General

**FREDERICK J. SCULLIN, JR., S.J.:**

**DECISION AND ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed April 26, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

**ORDERED**, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed April 26, 2006 is **ACCEPTED** in its

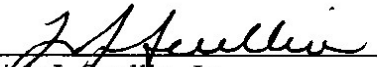
entirety, for the reasons stated therein; and it is further

**ORDERED**, that defendants' motion for summary judgment is  
**DENIED**, and it is further

**ORDERED**, that to the extent that plaintiff's opposition to  
the defendants' motion was labeled a cross-motion for summary  
judgment, that motion also is **DENIED**.

**IT IS SO ORDERED.**

DATED: May 22, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge